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10/734,853

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EXAMINER

SOMMERFELD, PAUL J

ART UNIT

PAPER NUMBER

2168

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/734,853

Applicant(s)

TRETHERWEY, JAMES R.

Examiner

Paul J. Sommerfeld

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 and 25-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 25-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Remarks*

It is noted that claims 1-23 and 25-48 of the instant application are pending in this Office action. Claim 24 is not included in the instant application.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 25-28 and 30-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Dietz (U.S. Publication 2004/0102197).

As to claim 25, Dietz teaches a system (lines 1-3 of paragraph [0019]) comprising:

a bus (lines 1-3 of paragraph [0019], a bus is inherent in devices such as notebook computers and PDA computers);

a processor including an execution unit coupled to the bus, the processor to execute instructions (lines 1-3 of paragraph [0019], a processor is inherent in devices such as notebook computers and PDA computers);

an antenna coupled to the bus to provide for wireless communications (Dietz lines 5-6 of paragraph [0029], where an antenna coupled to a bus is inherent in wireless PDA devices); and

a memory to store information (lines 1-3 of paragraph [0019], a memory is inherent in devices such as notebook computers and PDA computers) that, when executed by the processor, causes the system to

access a first web page including embedded scripting (lines 1-5 of paragraph [0034], Javascripts and ActiveX controls, which are scripts embedded into a web page, may be used in determining the current location),

automatically determine location information associated with a location of the system in response to executing the scripting (lines 1-5 of paragraph [0034], Javascripts and ActiveX controls, which are scripts embedded into a web page, may be used in determining the current location), and

display a second web page including locale-specific information in response to determining the location of the system (lines 5-10 of paragraph [0009]).

As to claim 26, Dietz teaches a location provider (lines 10-11 of paragraph [0020]), and

a location fuser, the location provider and location fuser to assist in automatically determining the location of the system (lines 1-5 of paragraph [0034], client-side location determining routine).

As to claim 27, Dietz teaches automatically determining the location of the system includes accessing a service infrastructure in cooperation with the location provider and interpreting information received from the service infrastructure to determine the location information (lines 14-19 of paragraph [0022], accessing the GPS network of satellites to determine location).

As to claim 28, Dietz teaches the memory is a mass storage device (line 11 of paragraph [0036], hard drive).

As to claim 30, Dietz teaches method comprising:

receiving a web page with embedded location information (lines 12-18 of paragraph [0010], a page with embedded location information is served to a browser that requested the page); and

accessing the embedded location information using a browser (line 4 of paragraph [0010], the client browser that requested the page receives the requested page).

As to claim 31, Dietz teaches receiving the web page with embedded location information includes receiving the web page with embedded XML islands (lines 24-30 of paragraph [0026]).

As to claim 32, Dietz teaches accessing the embedded location information includes accessing the embedded location information using a location-enhanced browser, the location-enhanced browser to provide a location tool to navigate the embedded location information (line 4 of paragraph [0010], client browser).

As to claim 33, Dietz teaches accessing the embedded location information includes accessing one of address information and driving directions associated with business locations (lines 8-10 of paragraph [0022]).

As to claim 34, Dietz teaches determining a current location of the computing system (lines 5-12 of paragraph [0010], generating a geographic location data string indicating the location of a client browser); and

using a location property associated with the current location to filter the embedded location information (lines 21-26 of paragraph [0025]).

As to claim 35, Dietz teaches a method comprising:  
receiving a web page access from a computing system (lines 3-4 of paragraph [0010]); and

providing a web page with embedded location information to be displayed by the computing system (lines 12-18 of paragraph [0010]).

As to claim 36, Dietz teaches providing the web page with embedded location information includes providing the web page with location information embedded using XML islands (lines 24-30 of paragraph [0026]).

As to claim 37, Dietz teaches providing the web page with embedded location information includes providing embedded location information indicating business location associated with a business indicated by the web page (lines 8-10 of paragraph [0022]).

3. Claims 38 and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Cedervall et al (U.S. Publication 2004/0203900 A1).

As to claim 38, Cedervall et al teaches computer-accessible storage medium storing information that, when accessed by a computing system, causes the computing system to:

display a web page including embedded location information (lines 1-3 of paragraph [0061] and lines 9-11 of paragraph [0062], a browser displays localized information.); and

display the embedded location information if the computing-system includes a location-enhanced browser (lines 1-3 of paragraph [0061] and lines 9-11 of paragraph [0062], a browser displays localized information. Since the browser is capable of displaying localized information, it is a location-enhanced browser.)

As to claim 39, Cedervall et al teaches storing information that, when accessed by the computing system, causes the computing system to:

display a location tool to navigate the embedded location information (lines 1-3 of paragraph [0061] and lines 9-11 of paragraph [0062], a browser displays localized information, which can then be navigated).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-23, 29, and 42-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dietz (U.S. Publication 2004/0102197 A1), and further in view of Cedervall et al (U.S. Publication 2004/0203900 A1).

As to claim 1, Dietz teaches a method comprising:



automatically determining a current location of the computing system (lines 5-12 of paragraph [0010], generating a geographic location data string indicating the location of a client browser); and

automatically submitting information indicating the current location of the computing system to a web site associated with the first web page (lines 3-5 of paragraph [0009]).

Dietz does not explicitly teach accessing a first web page using a computing system.

Cedervall et al teaches accessing a first web page using a computing system (lines 1-3 of paragraph [0074], accessing a location-based service provider by first downloading a web page from the service provider).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have modified the method of determining the location of a computing system taught by Dietz by the step of accessing a first web page taught by Cedervall et al, because accessing a first web page enables the activation of a positioning procedure by the subscriber (i.e. client computing system) (Cedervall et al lines 1-5 of paragraph [0074]).

As to claim 2, Dietz, as modified, teaches displaying a second web page associated with the web site, the second web page including locale-specific content associated with the current location of the computing system (Dietz lines 5-10 of paragraph [0009]).

As to claim 3, Dietz, as modified, teaches executing embedded scripting associated with the first web page, the embedded scripting to control, at least in part, automatically determining the current location (Dietz lines 1-5 of paragraph [0034], Javascripts and ActiveX controls, which are scripts embedded into a web page, may be used in determining the current location).

As to claim 4, Dietz, as modified, teaches executing the embedded scripting includes using plug-in code to assist with automatically determining the current location (Dietz lines 1-5 of paragraph [0034], a browser plug-in may be used in determining the current location).

As to claim 5, Dietz, as modified, teaches executing the embedded scripting includes automatically submitting the information indicating the current location (Dietz lines 1-6 of paragraph [0033], an ActiveX component submits location information).

As to claim 6, Dietz, as modified, teaches automatically submitting the information indicating the current location includes automatically determining the information to be submitted according to the embedded scripting (Dietz lines 1-6 of paragraph [0033], an ActiveX component automatically determines to submit location coordinates).

As to claim 7, Dietz teaches a method comprising:

displaying a first web page associated with the web site, the first web page including embedded scripting (lines 1-5 of paragraph [0034], indicating embedded scripting for determining location);

automatically determining a location of the computing system using at least the scripting (lines 5-12 of paragraph [0010], indicating generating a geographic location data string indicating the location of a client browser. Lines 1-5 of paragraph [0034] indicate determining the location using a script); and

submitting location information associated with the location of the computing system to the web site (lines 3-5 of paragraph [0009]).

Dietz does not explicitly teach accessing a web site associated with location-based services using a computing system.

Cedervall et al teaches accessing a web site associated with location-based services using a computing system (lines 1-3 of paragraph [0074], accessing a location-based service provider by first downloading a web page from the service provider).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have modified the method of determining the location of a computing system taught by Dietz by the step of accessing a first web page taught by Cedervall et al, because accessing a first web page enables the activation of a positioning procedure by the subscriber (i.e. client computing system) (Cedervall et al lines 1-5 of paragraph [0074]).

As to claim 8, Dietz, as modified, teaches displaying a second web page including locale-specific content in response to submitting the location information (Dietz lines 5-10 of paragraph [0009]).

As to claim 9, Dietz, as modified, teaches automatically determining the location of the computing system includes automatically determining at least one of a city, a state, a country, a zip code, and a street (Dietz lines 15-19 of paragraph [0029], zip code).

As to claim 10, Dietz, as modified, teaches automatically determining the location of the computing system includes accessing previously stored location information (Dietz lines 15-17 of paragraph [0031]).

As to claim 11, Dietz, as modified, teaches automatically determining the location of the computing system includes accessing a network to determine the location of the computing system (Cedervall et al lines 11-16 of paragraph [0025], accessing a platform via a data network for determining location information).

As to claim 12, Dietz, as modified, teaches accessing a network includes one of passively snooping the network to determine the location and accessing a database including location information to determine the location (Cedervall et al lines 1-5 of paragraph [0027], accessing a cache (i.e. database) of stored location information).

As to claim 13, Dietz teaches a computer-accessible medium storing information (lines 10-12 of paragraph [0036]) that, when accessed by a computing system, causes the computing system to:

execute the embedded scripting (lines 1-5 of paragraph [0034], Javascripts and ActiveX controls, which are scripts embedded into a web page); and

automatically determine location information associated with a location of the computing system as a result of executing the scripting (lines 1-5 of paragraph [0034], Javascripts and ActiveX controls, which are scripts embedded into a web page, may be used in determining the current location).

Dietz does not explicitly teach causing the computing system to access a first web page including embedded scripting.

Cedervall et al teaches causing the computing system to access a first web page including embedded scripting (lines 1-3 of paragraph [0074], accessing a location-based service provider by first downloading a web page from the service provider).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have modified the method of determining the location of a computing system taught by Dietz by the step of accessing a first web page taught by Cedervall et al, because accessing a first web page enables the activation of a positioning procedure by the subscriber (i.e. client computing system) (Cedervall et al lines 1-5 of paragraph [0074]).

As to claim 14, Dietz, as modified, teaches causing the computing system to provide the determined location information to a web site associated with the first web page (Dietz lines 3-5 of paragraph [0009]).

As to claim 15, Dietz, as modified, teaches causing the computing system to display a second web page associated with the web site, the second web page including location-specific content responsive to receiving the location information (Dietz lines 5-10 of paragraph [0009]).

As to claim 16, Dietz, as modified, teaches executing the embedded scripting includes using an embedded plug-in (Dietz lines 1-5 of paragraph [0034], a browser plug-in may be used in determining the current location).

As to claim 17, Dietz, as modified, teaches automatically determining the location information includes one of accessing previously stored location information, passively snooping a network to determine the location information and accessing a service infrastructure to determine the location information (Cedervall et al lines 1-5 of paragraph [0027], accessing a cache (i.e. database) of stored location information).

As to claim 18, Dietz teaches a method comprising:  
providing a first web page including embedded scripting in response to an access to an associated web site by a computing system, the embedded scripting to cause the

computing system to automatically determine and provide location information (lines 1-5 of paragraph [0034], Javascripts and ActiveX controls, which are scripts embedded into a web page, may be used in determining the current location); and

providing a second web page in response to receiving the location information, the second web page including locale-specific content (lines 5-10 of paragraph [0009]).

Dietz does not explicitly teach providing a first web page in response to an access to an associated web site by a computing system.

Cedervall et al teaches providing a first web page in response to an access to an associated web site by a computing system (lines 1-3 of paragraph [0074], accessing a location-based service provider by first downloading a web page from the service provider).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have modified the method of determining the location of a computing system taught by Dietz by the step of accessing a first web page taught by Cedervall et al, because accessing a first web page enables the activation of a positioning procedure by the subscriber (i.e. client computing system) (Cedervall et al lines 1-5 of paragraph [0074]).

As to claim 19, Dietz, as modified, teaches providing the first web page further includes including one of an embedded plug-in and a call to a plug-in (Dietz lines 1-5 of paragraph [0034], a browser plug-in may be used in determining the current location).

As to claim 20, Dietz, as modified, teaches causing the computing system to automatically determine and provide location information includes causing the computing system to automatically determine and provide at least one of a city, a state, a zip code, a country, a latitude, a longitude, a telephone number, and a street address (Dietz lines 15-19 of paragraph [0029], zip code).

As to claim 21, Dietz teaches a method comprising:  
providing the location information to the computing system, the location information being responsive to embedded scripting in a web page accessed by the computing system, the embedded scripting to cause the computing system to automatically determine location information indicated by the scripting (lines 1-5 of paragraph [0034], Javascripts and ActiveX controls, which are scripts embedded into a web page, may be used in determining the current location).

Dietz does not explicitly teach receiving a query from a computing system for location information.

Cedervall et al teaches receiving a query from a computing system for location information (lines 11-12 of paragraph [0025], requesting location information from a platform).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have combined the method of determining the location of a computing system taught by Dietz by the step of receiving a query from a computing



system because querying a computing system for location information enables a client device that does not include a GPS to determine its location.

As to claim 22, Dietz, as modified, teaches providing the location information includes providing at least one of a city, a state, a zip code, a country, a latitude, a longitude, a telephone number and a street address (Dietz lines 15-19 of paragraph [0029], zip code).

As to claim 23, Dietz, as modified, teaches providing the location information is further responsive to a plug-in (Dietz lines 1-5 of paragraph [0034], a browser plug-in may be used in determining the current location).

As to claim 29, Dietz, as modified, teaches determining includes one of passively snooping a network, accessing previously stored location information and accessing location information over a network (Cedervall et al lines 1-5 of paragraph [0027], accessing a cache (i.e. database) of stored location information).

As to claim 42, Dietz teaches a system (Dietz lines 1-3 of paragraph [0019]) comprising:

a bus (lines 1-3 of paragraph [0019], a bus is inherent in devices such as notebook computers and PDA computers);

a processor including an execution unit coupled to the bus, the processor to execute instructions (lines 1-3 of paragraph [0019], a processor is inherent in devices such as notebook computers and PDA computers);

an antenna coupled to the bus to provide for wireless communications (lines 5-6 of paragraph [0029], where an antenna coupled to a bus is inherent in wireless PDA devices); and

a memory to store information (lines 1-3 of paragraph [0019], a memory is inherent in devices such as notebook computers and PDA computers) that, when executed by the processor, causes the system to

access a first web page including embedded location information (lines 12-18 of paragraph [0010], a page with embedded location information is served to a browser that requested the page).

Dietz does not explicitly teach displaying the embedded location information if the system is running a location-enhanced browser capable of accessing the embedded location information.

Cedervall et al teaches displaying the embedded location information if the system is running a location-enhanced browser capable of accessing the embedded location information (lines 1-3 of paragraph [0061] and lines 9-11 of paragraph [0062], a browser displays localized information. Since the browser is capable of displaying localized information, it is a location-enhanced browser.).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have combined the system for determining the location of a

computing system and serving a web page as taught by Dietz by the step of displaying a web page having location information as taught by Cedervall et al, because displaying the location information allows a user to view the location information.

As to claim 43, Dietz, as modified, teaches the memory is a mass storage device including one of a hard disk, a network-accessible hard disk, an optical disk, and a compact disc (Dietz line 11 of paragraph [0036], hard disk).

As to claim 44, Dietz, as modified, teaches the memory further stores information that, when executed by the processor causes the processor to

determine a location of the system (Dietz lines 5-12 of paragraph [0010], generating a geographic location data string indicating the location of a client browser), and

use a location property associated with the location of the system to provide a custom view of the embedded location information (Dietz lines 21-26 of paragraph [0025]).

As to claim 45, Dietz does not explicitly teach determining a location of the system includes accessing a network via the antenna.

Cedervall et al teaches determining a location of the system includes accessing a network via the antenna (lines 11-16 of paragraph [0025], accessing a platform via a data network for determining location information).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have combined the system for determining the location of a computing system and serving a web page as taught by Dietz by the method of determining the location of a computing system as taught by Cedervall et al, because accessing a network to determine the location of a computing system enables devices that do not include a GPS to obtain location information (Dietz lines 12-17 of paragraph [0031]).

As to claim 46, Dietz, as modified, teaches the memory further stores information that, when accessed by a processor, causes the system to display a location tool bar to navigate the location information (Cedervall et al lines 1-3 of paragraph [0061] and lines 9-11 of paragraph [0062], a browser displays localized information, which can then be navigated).

As to claim 47, Dietz, as modified, teaches the embedded location information is in the form of embedded XML islands (Dietz lines 24-30 of paragraph [0026]).

As to claim 48, Dietz, as modified, teaches if a location-enhanced browser is not available, the web page displays without the embedded location information (Dietz lines 12-18 of paragraph [0025]).

6. Claims 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cedervall et al (U.S. Publication 2004/0203900 A1), and further in view of Dietz (U.S. Publication 2004/0102197 A1).

As to claim 40, Cedervall et al does not explicitly teach the location tool comprises one of a location bar, a location applet, a location viewer and a location tile.

Dietz teaches the location tool comprises one of a location bar, a location applet, a location viewer and a location tile (lines 5-6 of paragraph [0033], Java applet giving access to coordinates).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have modified the method of displaying location information taught by Cedervall et al by the method of providing a location applet taught by Dietz, because information can be displayed on a limited-resolution graphical display using an applet (Cedervall et al lines 4-6 of paragraph [0061]).

As to claim 41, Cedervall et al does not explicitly teach determine a current location of the computing system; and

use a location property associated with the current location to filter the embedded location information.

Dietz teaches determine a current location of the computing system (lines 5-12 of paragraph [0010], generating a geographic location data string indicating the location of a client browser); and

use a location property associated with the current location to filter the embedded location information (lines 21-26 of paragraph [0025]).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have modified the method of displaying location information taught by Cedervall et al by the method of filtering embedded information taught by Dietz, because displaying information filtered location information enables information specifically targeted to a client machine's location to be displayed.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

- U.S. Publication 2001/0053999 A1, issued to Feinberg, for teaching a method of determining a location of a computer and providing localized advertisements.
- U.S. Patent Number 6,845,400 B2, issued to Macpherson et al, for teaching a method of providing location-based Internet services, including determining a computer's location using a DNS table
- U.S. Publication 2003/0060211, issued to Chern et al, for teaching a location-based retrieval method

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul J. Sommerfeld whose telephone number is 571 272-6545. The examiner can normally be reached on M-F 7:45 am - 4:15pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on 571 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**TIM VO**  
**PRIMARY EXAMINER**